

APPENDIX G

CUSTOMS

1. Purpose: To delineate policies, procedures, and responsibilities for customs planning and execution in the Theater distribution system within the USEUCOM AOR. This appendix provides policy regarding the movement of military units, cargo, and sustainment supplies across into and out of countries within the AOR. This appendix does not address agricultural or immigration policies.

2. Policies and Procedures:

a. General.

(1) The source document for customs issues in the USEUCOM AOR is the "Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces (SOFA)" signed in London, UK on 19 June 1951. This document allows NATO forces located in other NATO countries to import equipment and cargo necessary for accomplishing the mission without paying customs duties. However, it also mandates that the country importing the equipment or cargo must certify that the cargo is related to the requirements of the "force"

(2) Cargo is certified through the use of a variation of the NATO 302 form. The reference document for the NATO 302 is Allied Movement Publication, 2 (AmovP -2) "Procedures For Surface Movements Across National Frontiers". U.S. Forces utilize a modified NATO 302. Details regarding and examples of this form are available in USAREUR Regulation 55-355/USAFE Reg 75-4/USNAVEUR Instruction 4600.7E. As this publication goes to press, USTRANSCOM, USEUCOM, and other components of the Theater Transportation System are working to develop automated customs clearance procedures. Once these procedures are developed and approved for use by host nations, they will become the preferred method of clearing customs in the USEUCOM AOR. However, paper customs forms will still be utilized in some nations. General DoD customs policies are available in DoD 5030.49R.

(3) Only cargo in direct support of US Forces (e.g. military spare parts, household goods, AAFES and Navy Exchange items, Worldwide Express Packages) is exempt from customs. Foreign Military Sales is an example of a type of category that is not exempt from customs duties.

(4) The U.S. Customs Service enforces the laws of the United States, safeguards revenue, and fosters lawful international trade and travel. The U.S. Customs Service Office of International Affairs is responsible for managing international activities and programs and for the conduct of Customs bilateral and multi-lateral relations with other countries. This Office oversees the negotiation and implementation of all international agreements.

(5) The U.S. Department of State is the lead institution for the conduct of American diplomacy. To carry out U.S. foreign policy at home and abroad, the Department of State coordinates and provides support for the international activities of U.S. agencies (to include the Department of Defense), official visits, and other diplomatic missions. Also, the Department of State conducts negotiations, concludes agreements, and supports U.S. participation in international negotiations of all types.

(6) The Deputy Assistant Secretary of Defense for Acquisition and Technology (DASD A&T) is the single point of contact for customs and border clearance matters in the Office of the Secretary of Defense and exercises staff supervision over all Customs and Border Clearance matters within DoD. DASD A&T has designated USTRANSCOM as the executive agent responsible for customs and border clearance inspection activities within DoD.

(7) U.S. Transportation Command (USTRANSCOM) in collaboration with the DoD components, U.S. Government Border Clearance Activities (U.S. Customs Service, Departments of Treasury, Agriculture and Others) and Foreign Country Governments develops policies and procedural guidance to ensure efficiency and uniformity in the implementation of the DoD Military Customs and Border Clearance Program.

(8) The DoD military departments are responsible for implementing applicable customs regulations. The departments provide necessary resources to fulfill the Military Customs and Border Clearance Program responsibilities at military posts camps, stations, and bases worldwide.

b. Planning Customs Operations. Customs planning must be an integral part of any contingency operation. Lack of customs planning often results in either delayed or frustrated shipments. Important customs planning considerations during contingency operations include the following:

(1) What customs procedures will be followed by the host nation? Will the host nation allow duty free shipments of U.S. military cargo? What authority has agreed that U.S. Forces will not pay customs duties?

(2) Will the host nation accept the AE FORM 302-1? If AE FORM 302-1 is not accepted, what document must be issued/used?.

(3) What appeal process is in place when a local customs official decides not to accept agreed upon procedures or hold a surface movement up at the border?

(4) What are the established customs hours of operations at sea and airports and border crossing locations? What procedures are in place if these hours need to be extended? What procedures are in place to pay for the extended hours?

(5) Who must be notified of incoming cargo? How long in advance?

c. The USEUCOM Customs Working Group works to identify customs challenges and initiatives within the USEUCOM AOR. This ad hoc group includes representation (as needed) from all members of USEUCOM (ECJ3, ECJ4, ECJ5, USMC LNO, DLA LNO, MTMC LNO, USAREUR, USAFE, NAVFOR, MARFOR, and SOCEUR). The group will work to avoid problems with host nation customs on the front end of operations in support of the warfighter. Every service component has their own POC to be the resident expert within their service. When dealing with specific countries, the USEUCOM LNOs become involved with the process.

3. Responsibilities.

a. USTRANSCOM TCJ3/4.

- (1) Serves as DoD executive agent for Customs operations.
- (2) Publishes and maintains DoD Regulation 5030.49R, "Customs Inspection"
- (3) Performs, through MTMC, customs clearance at common-user water ports.

b. USCINCEUR ECJ4

- (1) Serves as USEUCOM Customs Coordinator.
- (2) Provides procedural guidance on customs within the AOR.
- (3) Defines required customs requirements for deliberate and contingency planning.
- (4) Disseminates customs agreements to Service Components.
- (5) Interfaces with host nation and NATO customs authorities as needed.
- (6) Manages and issues customs stamps for use with the AE 302-1 form or other designated customs form (e.g. commercial bill of lading).
- (7) Tracks and identifies the cause of delinquent AE 302-1s.
- (8) Develops and promulgates customs training and inspection programs.

d. USCINCEUR ECJ5.

- (1) Addresses customs issues when required with host nations at the front end of operations..
- (2) Assists ECJ4 in resolving customs/border-crossing disputes with host nations as required.

Note: Deleted 3d Responsibility

e. Common Tasks for Service Components.

(1) Plans and executes customs operations IAW DoD 5030.49R, ED 64-1, and USAREUR Regulation 55-355/USAFE Regulation 75-4/USNAVEUR Instruction 4600.7E.

(2) Establishes and manages customs operations within designated area of responsibility IAW ED 60-11. Service components identified as having traffic management responsibilities will also manage customs programs in designated countries. Coordinate established procedures with USEUCOM ECJ4-PM division.

(3) Provides training to subordinate organizations IAW applicable publications.

(4) Establishes and executes customs inspections program within subordinate organizations.

